

### **Remarks**

Claims 12-25 are pending and in condition for allowance. Applicant respectfully requests reconsideration of the outstanding rejections in view of the following remarks.

First, Applicant respectfully traverses the finality of the Office Action. The amendment the Examiner refers to as necessitating the finality of the Office Action, specifically the language pertaining to the lubricious surface, was added in the Amendment dated May 16, 2005. Since that Amendment, a Request for Continuing Examination (RCE) was filed on June 29, 2005, and an Information Disclosure Statement (IDS) was submitted August 19, 2005. A first Office Action after the RCE and IDS rejecting all claims was sent September 22, 2005. Applicant did not amend the claims in response to that Office Action. Finally, the present Office Action rejects all claims on new grounds of rejection based on previously uncited references. Accordingly, the present Office Action cannot properly be made final because the rejections are based on new grounds of rejection that were not necessitated by any amendment or IDS. See MPEP Section 706.07(a). Therefore, Applicant requests the finality of the Office Action be withdrawn.

The rejection under Section 102 based on Jansson et al. is respectfully traversed. Jansson et al. describes replacement structures for bones and cartilage having a number of regularly ordered rodlets. Basing our response on the drawings, English abstract, and available Derwent information, it appears that, among other deficiencies, Jansson et al. does not teach a plurality of ridges as presently claimed and shown, for example, in Applicant's Figures 4 and 7. If the Examiner is considering the somewhat irregular surface, it most certainly does not rise to the level of ridges as presently claimed. Since Jansson et al. does not teach each limitation of the claimed invention, Applicant respectfully requests this rejection be withdrawn.

Further, the rejections under sections 102 and 103, both based solely on Oka et al., are also respectfully traversed. Oka et al. describes an articular cartilage replacement that has fiber meshes attached to a metal foil. Basing our response on the drawings and available Derwent information, it appears that, similar to Jansson et al., and in addition to other deficiencies, Oka et al. (e.g., Figure 4, lower portion) does not teach a plurality of ridges of the type presently claimed, let alone ridges formed about its *outermost periphery*. At its closest, Oka et al. describes beam-like protrusions formed on a fiber mesh to increase the force of adhesion to the bone. Accordingly, since Oka et al. does not show each element of the claimed invention, Applicant respectfully requests these rejections be withdrawn.

The rejections under sections 102 and 103, both based solely on Stone et al., are also respectfully traversed. Stone et al. discusses a cartilage device 10 and a rigid base component 20. As shown in Stone's Figure 4A, the outermost periphery of the device is the outer surface about cartilage device 10. This surface is smooth and does not include any ridges. Accordingly, in addition to other deficiencies, Stone et al. does not teach a plurality of ridges formed about its *outermost periphery* (i.e., the plug's widest portion). As stated in Applicant's specification at page 14, lines 7-10 and page 25, lines 4-7, such ridges are useful for allowing the plugs to interlock with surrounding cartilage, bone and/or each other. The structure shown and described in Stone et al. would not be able to interlock with similar structures because it lacks ridges formed about its outermost periphery. Accordingly, because Stone et al. does not show each element of the claimed invention, Applicant respectfully requests these rejections be withdrawn.

In view of the above remarks, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all rejections is respectfully requested.

Respectfully submitted,

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